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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,206	01/29/2002	Robert Murray III	P950 US	7500

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MEDTRONIC VASCULAR, INC.  
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EXAMINER

NGUYEN, VI X

ART UNIT PAPER NUMBER

3731

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/060,206

Applicant(s)

MURRAY, ROBERT

Examiner

Victor X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. In response to applicant's amendment of 11/17/2004, the examiner has removed the Specification objection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Roubin et al (U.S. 5,827,321).

Roubin et al disclose, in figs. 3, 10, a tubular stent (40) comprising first and second ends and being deformable between compressed and expanded configurations, the compressed configuration has a pattern density adjacent the first end (78 on the right side of 40 as best seen in fig. 10) that is greater than a pattern density adjacent the second end (78 on the left side of 40 as seen in fig. 10). Note that the expanded configuration has a transverse dimension at the first end that is larger than a transverse dimension at the second end and note that at best seen in fig. 9 does disclose a pattern density adjacent the first end that is substantially equal to a pattern density adjacent the second end.

Regarding claims 9-10, Roubin et al disclose the stent further comprises a series of cylindrical hoop elements (78, fig. 10), where the hoop has a serpentine filament forming a number of crowns disposed about the circumference of the hoop element, and where at least one

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hoop element adjacent the first end has a greater number of crowns than the hoop elements proximal thereto (as best seen in figs. 9-10).

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonhardt et al (U.S. 5,957,949).

Leonhardt et al disclose, in figs. 4-5 and 9b, a tubular stent (26) comprising first and second ends and being deformable between compressed and expanded configurations, the compressed configuration has a pattern density adjacent the first end (20 as best seen in fig. 4) that is greater than a pattern density adjacent the second end (46 as seen in fig. 4). Note that the expanded configuration has a transverse dimension at the first end that is larger than a transverse dimension at the second end (fig. 4), and where the system further has a balloon (154, fig. 5) inflatably disposed at a distal end of a catheter (100).

***Allowable Subject Matter***

3. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record, alone or in combination, discloses all of the limitations of claim 5 including, when the stent is in the expanded configuration, the first end is flared to an oval transverse section and the second end is generally circular in transverse section such that the stent is adapted for implantation proximally abutting a carina of a vessel bifurcation.

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As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Response to Amendment***

4. Applicant's arguments filed 11/17/2004 have been considered but they are not persuasive. With respect to claim 1, the examiner disagrees with applicant's remarks that the device of Roubin does not disclose a tubular stent with an expanded configuration, where the expanded configuration having a transverse dimension at the first end that is larger than a transverse dimension at the second end and having a pattern density adjacent the first end that is substantially equal to a pattern density adjacent the second end. In fact, Roubin does disclose a tubular stent with an expanded configuration (see col. 8, lines 10-20), where a tubular stent (40) comprising first and second ends and being deformable between compressed and expanded configurations, the compressed configuration has a pattern density adjacent the first end (78 on the right side of 40 as best seen in fig. 10) that is greater than a pattern density adjacent the second end (78 on the left side of 40 as seen in fig. 10). Note that the expanded configuration has a transverse dimension at the first end that is larger than a transverse dimension at the second end and note that at best seen in fig. 9 does disclose a pattern density adjacent the first end that is substantially equal to a pattern density adjacent the second end. Therefore, the invention as claimed has not been structurally defined over the device of Roubin.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor X Nguyen  
Examiner  
Art Unit 3731

Vn VN  
2/16/2005



JULIAN W. WOO  
PRIMARY EXAMINER